

**Date:** October 1, 2004 (Rev. 10/4/04, 10/22/04)

**To:** Court of Appeals Judges, Director of State Courts, Staff Counsel, Clerk's Office Staff

**From:** Cornelia G. Clark, Clerk

**Re:** COURT OF APPEALS MONTHLY STATISTICAL REPORT - SEPTEMBER

Cumulative: January 1, 2004 through September 30, 2004

APPELLATE DISTRICT	I	II	III	IV	TOTAL
<b>Cases Carried Over</b>					
<b><u>from December 31</u></b>	<u>631</u>	<u>506</u>	<u>339</u>	<u>522</u>	<u>1998</u>
Civil	248	276	197	322	1043
Criminal	383	230	142	200	955
<b><u>Cases Filed</u></b>	<u>762</u>	<u>564</u>	<u>565</u>	<u>638</u>	<u>2529</u>
Civil	349	311	296	370	1326
Criminal	413	253	269	268	1203
<b><u>Cases Docketed</u></b>	<u>1393</u>	<u>1070</u>	<u>904</u>	<u>1160</u>	<u>4527</u>
Civil	597	587	493	692	2369
Criminal	796	483	411	468	2158
<b><u>Cases Reinstated</u></b>	<u>8</u>	<u>10</u>	<u>4</u>	<u>18</u>	<u>40</u>
Civil	6	7	3	11	27
Criminal	2	3	1	7	13
<b><u>Cases Terminated*</u></b>	<u>583</u>	<u>623</u>	<u>536</u>	<u>660</u>	<u>2402</u>
Opinion-Civil	83	113	126	193	515
Opinion-Criminal	<u>50</u>	<u>71</u>	<u>60</u>	<u>89</u>	<u>270</u>
<b>Sub-Total</b>	133	184	186	282	785
Sum.Disp.-Civil	68	67	43	51	229
Sum.Disp.-Criminal	<u>153</u>	<u>144</u>	<u>107</u>	<u>91</u>	<u>495</u>
<b>Sub-Total</b>	221	211	150	142	724
Memo Opinion-Civil	121	109	93	124	447
Memo Opinion-Criminal	<u>67</u>	<u>49</u>	<u>68</u>	<u>52</u>	<u>236</u>
<b>Sub-Total</b>	188	158	161	176	683
Other-Civil	31	49	35	46	161
Other-Criminal	<u>10</u>	<u>21</u>	<u>4</u>	<u>14</u>	<u>49</u>
<b>Sub-Total</b>	41	70	39	60	210
<b><u>Correction for Error</u></b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>-1</u>	<u>-1</u>
Civil	-1	+4	+4	+4	+11
Criminal	+1	-4	-4	-5	-12
<b><u>CASES PENDING</u></b>	<u>757</u>	<u>464</u>	<u>383</u>	<u>560</u>	<u>2164</u>
CIVIL	281	257	207	310	1055
CRIMINAL	476	207	176	250	1109

\*Terminations are adjusted to reflect dispositions by panels assigned to cases filed in other districts and cover the "number of cases" terminated.

## CASE ACTIVITY DURING MONTH OF SEPTEMBER:

APPELLATE DISTRICT	I	II	III	IV	TOTAL
<b>Cases Filed</b>	<u>94</u>	<u>47</u>	<u>77</u>	<u>62</u>	<u>280</u>
Civil	46	25	43	42	156
Criminal	48	22	34	20	124
<b>Cases Terminated</b>	<u>67</u>	<u>70</u>	<u>65</u>	<u>76</u>	<u>278</u>
Opinion-Civil	12	15	10	21	58
Opinion-Criminal	3	5	5	14	27
Sum.Disp.-Civil	5	12	3	8	28
Sum.Disp.-Criminal	19	14	20	8	61
Memo Opinion-Civil	20	10	10	15	55
Memo Opinion-Crim.	6	6	13	2	27
Other-Civil	2	4	4	6	16
Other-Criminal	0	4	0	2	6
<b>Cases Reinstated</b>	<u>0</u>	<u>3</u>	<u>0</u>	<u>2</u>	<u>5</u>
Civil	0	2	0	0	2
Criminal	0	1	0	2	3
<b>Correction for Error</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Civil	+2	+1	+2	+2	+7
Criminal	-2	-1	-2	-2	-7
<b>Notices of Appeal Filed:</b>	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>TOTAL</b>
<b>One-Judge Appeals:</b>	<u>19</u>	<u>7</u>	<u>20</u>	<u>12</u>	<u>58</u>
Civil	15	5	14	6	40
Criminal	4	2	6	6	18
<b>Three-Judge Appeals:</b>	<u>69</u>	<u>37</u>	<u>51</u>	<u>41</u>	<u>198</u>
Civil	25	17	23	30	95
Criminal	44	20	28	11	103
<b>Sup. Writs Filed:</b>	6	3	2	4	15
<b>Sup. Writs Terminated:</b>	<u>8</u>	<u>4</u>	<u>2</u>	<u>3</u>	<u>17</u>
Granted	1	0	0	0	1
Denied, Dism'd, Other	7	4	2	3	16
<b>Sup. Writs Pending:</b>	16	8	3	11	38
<b>Leave to Appeal Filed:</b>	0	2	5	6	13
<b>Leave to Appeal Term'd:</b>	<u>8</u>	<u>3</u>	<u>7</u>	<u>4</u>	<u>22</u>
Granted	2	1	2	0	5
Denied, Dism'd, Other	6	2	5	4	17
<b>Leave to Appeal Pending:</b>	6	4	5	10	25

## ADDITIONAL MATTERS DURING MONTH OF SEPTEMBER:

APPELLATE DISTRICT	I	II	III	IV	TOTAL
<b>Motions Filed:</b>					
Numbered Cases	139	60	64	92	355
Extensions of Time	65	43	36	57	201
Unnumbered Cases	<u>112</u>	<u>52</u>	<u>28</u>	<u>49</u>	<u>241</u>
TOTAL MOTIONS FILED	316	155	128	198	797
<b>Motions Terminated:</b>					
Numbered Cases	119	56	66	88	329
Extensions of Time	53	43	38	59	193
Unnumbered Cases	<u>107</u>	<u>47</u>	<u>28</u>	<u>50</u>	<u>232</u>
TOTAL MOTIONS TERM'D	279	146	132	197	754
<b>Motions Pending:</b>					
Numbered Cases	88	52	37	67	244
Extensions of Time	11	3	2	8	24
Unnumbered Cases	<u>24</u>	<u>33</u>	<u>4</u>	<u>11</u>	<u>72</u>
TOTAL MOTIONS PENDING	123	88	43	86	340
<b>Opins. Circulating</b>	24	10	3	12	49
<b>Opins. Approved but not Released</b>	1	8	0	0	9
	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>TOTAL</b>
<b>Pet. for Bypass Filed</b>	<u>1</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>3</u>
Civil	1	0	0	0	1
Criminal	0	0	1	1	2
<b>Certifications Filed</b>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>
Civil	0	1	0	0	1
Criminal	0	0	0	0	0
<b>Pet. for Review Filed</b>	<u>12</u>	<u>17</u>	<u>12</u>	<u>23</u>	<u>64</u>
Civil	8	11	7	13	39
Criminal	4	6	5	10	25

## Status of Pending Cases as of September 30, 2004:

APPELLATE DISTRICT	I	II	III	IV	TOTAL
Awaiting Record	<u>89</u>	<u>55</u>	<u>79</u>	<u>62</u>	<u>285</u>
Civil	52	35	53	44	184
Criminal	37	20	26	18	101
Applt. Brief Due	<u>120</u>	<u>58</u>	<u>51</u>	<u>79</u>	<u>308</u>
Civil	38	37	28	43	146
Criminal	82	21	23	36	162
Applt. Brief Overdue	<u>1</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>3</u>
Civil	0	0	0	1	1
Criminal	1	0	0	1	2
Respt. Brief Due	<u>66</u>	<u>40</u>	<u>22</u>	<u>37</u>	<u>165</u>
Civil	33	20	8	24	85
Criminal	33	20	14	13	80
Respt. Brief Overdue	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Civil	0	0	0	0	0
Criminal	0	0	0	0	0
Other Brief Due	<u>1</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>3</u>
Civil	1	0	1	1	3
Criminal	0	0	0	0	0
Reply Brief Due	<u>19</u>	<u>16</u>	<u>17</u>	<u>15</u>	<u>67</u>
Civil	6	9	12	7	34
Criminal	13	7	5	8	33
Cases W/Motions or Writs Pending	<u>96</u>	<u>51</u>	<u>28</u>	<u>59</u>	<u>234</u>
Civil	62	36	17	46	161
Criminal	34	15	11	13	73
Ready for Screening	<u>91</u>	<u>114</u>	<u>67</u>	<u>71</u>	<u>343</u>
Civil	47	67	55	59	228
Criminal	44	47	12	12	115
Assigned for Oral Arg.	<u>5</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>8</u>
Civil	4	2	0	0	6
Criminal	1	1	0	0	2
Under Submission	<u>209</u>	<u>96</u>	<u>71</u>	<u>188</u>	<u>564</u>
Civil	35	44	18	76	173
Civil/FT	0	2	4	2	8
Criminal	174	50	49	110	383
Criminal/FT	0	0	0	0	0
No Merit & Awaiting NM	<u>57</u>	<u>24</u>	<u>38</u>	<u>39</u>	<u>158</u>
Civil	0	0	3	1	4
Criminal	57	24	35	38	154
HOLD Status	<u>3</u>	<u>7</u>	<u>9</u>	<u>7</u>	<u>26</u>
Civil	3	5	8	6	22
Criminal	0	2	1	1	4
<b>TOTAL CASES PENDING</b>	<u>757</u>	<u>464</u>	<u>383</u>	<u>560</u>	<u>2164</u>
Civil	281	257	207	310	1055
Criminal	476	207	176	250	1109

**Wisconsin Court of Appeals**  
**Explanation of Termination Categories**

**OPINIONS**

Includes three-judge and one-judge authored opinions and per curiam opinions. All per curiam opinions are assigned to a supervising judge who has the responsibility for approval of the final draft of the opinion after circulation to the panel.

**SUMMARY DISPOSITIONS**

Includes opinions issued in the form of a court order after the court has reviewed the briefs and record, and following a screening and decision conference(s). All dispositions in this category are assigned to a supervising judge who is responsible for approval of the final draft of the opinion after circulation to the panel.

**MEMO OPINIONS**

Includes opinions issued in the form of a court order prior to a screening and decision conference(s). Examples of memo opinions are: jurisdictional terminations; petitions for writs denied or granted if the order terminates the action; petitions for leave to appeal that are denied; summary disposition of unscreened cases – usually upon a motion; motions to dismiss on the merits that are granted; transfers to circuit court; any other miscellaneous termination of an appeal in which judicial time is expended and a full explication of reasoning is set forth.

**OTHER**

Includes miscellaneous orders terminating cases that are issued by the Clerk's Office. Examples of miscellaneous orders are: voluntary dismissals; stipulations to dismiss; failure of an appellant to submit filing fee information.

**Please Note:** Case filings are counted according to the district of origin and tracked through the appellate process in the filing district. Terminations, however, are counted in the district that issued the opinion. For example, a case filed in District IV, but transferred to District III, will be counted as a pending case in District IV until the opinion is issued when adjustments will be made to reflect the termination by District III. In this example, the District III termination will result in one less case pending in District IV.

Page 2 of the Monthly Statistical Report reflects how many cases terminated by a particular district are transfer cases. Page 4 of the report reflects the current status of transfer cases.